

ORIGINAL

ILLINOIS COMMERCE COMMISSION

WHEATON PARK DISTRICT, Wheaton,
Illinois, an Illinois park district and unit of
local government; COMMUNITY UNIT
SCHOOL DISTRICT 200, a body politic
and corporate, DuPage County, Illinois

Petitioners

vs.

UNION PACIFIC RAILROAD COMPANY,
A Delaware corporation; NORTHEAST
ILLINOIS REGIONAL TRANSPORTATION
AUTHORITY and NORTHEASTERN
REGIONAL COMMUTER RAILROAD
CORPORATION, d/b/a Metra-Metropolitan
Rail and the STATE OF ILLINOIS acting
Through the Secretary of the Illinois
Department of Transportation,

Respondents.

In the matter of a pedestrian/bicycle overpass)
over the right-of-way of the Union Pacific
Railroad Company in Wheaton, Illinois
Approximately 3,600 feet east of County Farm
Road

RECEIVED
FEB 17 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Docket No. T05-0037

PETITION REQUESTING EXTENSION OF TIME

NOW COME the Petitioners, Wheaton Park District, Wheaton, Illinois, an Illinois park district and unit of local government, and Community Unit School District 200, DuPage County, Illinois, a body politic and corporate, being together referred to herein as the "Petitioners," before the Illinois Commerce Commission (the "Commission") with this petition for:

1) an extension of time to obtain additional funds to construct the Project over the right of way of the

DOCKETED

FEB 17 2006

Union Pacific Railroad ("UPRR") in the City of Wheaton, and 2) an extension of time to complete the construction of the Project, and in support thereof state as follows:

1. On July 6, 2005, Petitioners filed a petition with the Commissioner requesting authorization to construct the Project.

2. On October 5, 2005, Petitioners appeared before the Commission at a hearing on such petition at the Commission's Chicago office.

3. On November 22, 2005 (the "Date of the Original Order"), the Commission entered an Order authorizing the Petitioners to construct the Project (the "Original Order").

4. Finding Paragraph 11 of the Original Order provided that "these improvements should be completed within twenty-four months of the date of this Order, " that is, by November 22, 2007.

5. Attached hereto as **Exhibit A** is that portion of the Original Order which detailed the estimated cost of the Project and the sources of funding for the Project, based on Petitioners' best estimate of those costs at the time the Original Order was entered.

6. Pursuant to the original cost estimates shown on **Exhibit A**, the estimated cost of actual construction of the Project, not including "soft" costs, was \$2,540,000.

7. As required by the Illinois Department of Transportation ("IDOT"), the State of Illinois Agency which administers the Federal Highway Administration Funds from TEA-21, shown on **Exhibit A**, the bid for the construction of the Project was let pursuant to IDOT procedures, and on January 20, 2006, the bids for construction of the Project were posted on IDOT's website, a copy of the relevant pages of such website being attached hereto as **Exhibit B**.

8. Per **Exhibit B**, the low bid for construction of the Project was \$3,342,282.52.

9. Since the date of the Original Order, Petitioner Wheaton Park District has received a Congestion Mitigation and Air Quality ("CMAQ") program grant, administered by the Chicago Area Transportation Study, in the amount of \$430,649.

10. Attached hereto as **Exhibit C** is a table indicating the current funds paid or available for the cost of the Project and the current estimated cost of the Project , demonstrating a funding shortfall of approximately \$490,021.

11. Attached hereto as **Exhibit D** is an excerpt from a certain Intergovernmental Agreement for the Funding, Construction, Maintenance and Governance of a Bicycle/Pedestrian Overpass Over Union Pacific Railroad Company Property, and Connecting Bicycle/Pedestrian Trail, between the Petitioners (the "Intergovernmental Agreement"), a final draft of which Intergovernmental Agreement was attached to Petitioners' original petition as Exhibit K thereto, and a signed copy of which was presented at the hearing on the original petition as Petitioners' Exhibit 4, said excerpt providing that if certain preconditions have been met and upon completion of the bidding the cost of actual construction of the Project exceeds \$2,540,300.00, either of the Petitioners may elect to terminate the Intergovernmental Agreement and not build the Project, or they may mutually agree to set a deadline to obtain additional funds to construct the Project.

12. All of the conditions precedent to the commencement of construction of the Project , as required by Section 4.2 of the Intergovernmental Agreement, stated in **Exhibit D**, have occurred, and neither of the Petitioners has terminated the Intergovernmental Agreement pursuant to Section 4.3 thereof.

13. Both Petitioners have discussed the possibility of acting under Section 4.4 of the Intergovernmental Agreement to set a deadline to raise additional funds for the Project, provided, however, that Petitioner Community Unit School District 200 will not contribute any more to the Project than the \$191,806.75 required of it under Section 4.4 of the Intergovernmental Agreement.

14. The eighth paragraph of the ordering section of the Original Order provides as follows:
"IT IS FURTHER ORDERED that if Petitioners Wheaton Park District and Community Unit School District 200, DuPage County, Illinois, determine there are inadequate funds to complete this project, they shall file a petition with the Director of Processing seeking a supplemental order vacating this order, or, in the alternative, requesting an extension of time to obtain additional funds and a corresponding extension

of time to complete the project. This petition shall be filed within thirty days of the date the Petitioners knew or reasonably should have known there were inadequate funds to complete this project.”

15. This petition is being filed prior to February 20, 2006, which is the date that is thirty days of the date, (January 20, 2006) that Petitioners learned of the amount of the low bid though the bid posting on the IDOT website.

16. In the Original Order the Commission allocated \$240,000 from the Grade Crossing Protection Fund (“GCPF”) to assist in meeting the estimated cost of the Project, and staff of the Commission has indicated to Petitioners that additional Grade Crossing Protection Fund monies in the amount of \$490,000 may be available toward the cost of construction of the Project to fund the shortfall between the existing available Project funding and the amount of the low bid. Accordingly, Petitioners reasonably believe that the necessary additional funds can be raised by July 1, 2006 and are requesting that such additional funds be provided through an allocation by the Commission from the GCPF of an additional \$490,000.

17. Commission review of Petitioners’ request for the additional GCPF monies will delay contract award and therefore Petitioners believe a six month extension of time to complete the Project is warranted.

18. UPRR is aware of the aforesaid circumstances, has reviewed this Petition for Extension of Time and has indicated to the Petitioners that UPRR is in favor of the Commission granting such extension of time. A letter in support of such extension is attached to this Petition as **Exhibit E**.

WHEREFORE, Petitioners pray that the Commission enter an order (the “Amended Order”):

A. amending the Original Order to provide that the construction of the Project shall occur by May 22, 2008, being six months after the date of completion now required by the Original Order; and

B. amending finding paragraph 9 of the Original Order to read as follows:

“The total estimated cost for the project is \$3,844,069.52, of which \$1,881,000 will be paid through U.S. Federal Highway Administration funds from the Transportation Equity Act for the 21st Century (“TEA-

21"). The remaining local match will be the responsibility of Petitioners Wheaton Park District and Community Unit School District 200 and the parties and other entities identified in the table showing Current Funds Available and Current Estimated Costs (the "Non-Petitioner Contributors"), below, to the extent described in such Table, such Non-Petitioner Contributors having entered into intergovernmental and railroad agreements with one or both Petitioners; to assist in meeting the cost of construction \$730,000 from the Grade Crossing Protection Fund should be allocated with this Order."

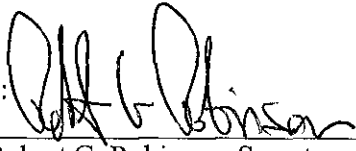
C. amending the Original Order to delete the "Elements of Cost (July 2004)," 'COST DIVISION TABLE,' and "LOCAL MATCHING FUNDS TABLE" after finding paragraph 9 of the Original Order, and substituting therefor Exhibit C attached to this Petition, and titling such table "Current Funds Available and Current Estimated Costs"; and

D. ordering the Petitioners to file a status report on funding and price issues concerning the Project, with the Director of Processing and Information of the Commission's Transportation Bureau, on a date three months from the date of the Amended Order;

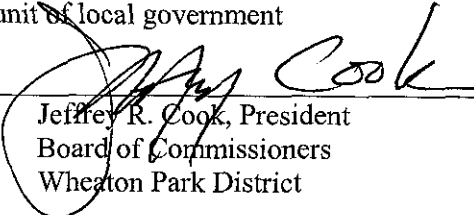
E. providing that all other provisions of the Original Order, not amended by the Amended Order, shall remain in effect.

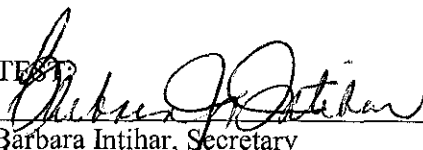
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Respectfully Submitted,

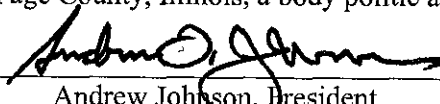
ATTEST: 
By: _____
Robert G. Robinson, Secretary
Board of Commissioners
Wheaton Park District

WHEATON PARK DISTRICT, an Illinois park district
and unit of local government

By: 
Jeffrey R. Cook, President
Board of Commissioners
Wheaton Park District

ATTEST: 
By: _____
Barbara Intihar, Secretary
Board of Education of
Community Unit School District 200

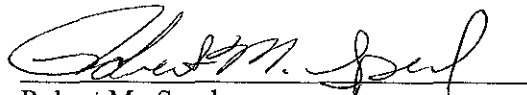
COMMUNITY UNIT SCHOOL DISTRICT 200,
DuPage County, Illinois, a body politic and corporate

By: 
Andrew Johnson, President
Board of Education of
Community Unit School District 200

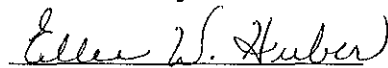
VERIFICATION
BY PETITIONER WHEATON PARK DISTRICT

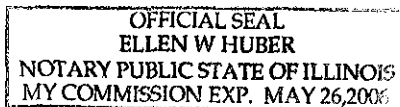
STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS:

Robert M. Sperl, being first duly sworn on oath, deposes and states that he is the Superintendent of Planning for the Petitioner Wheaton Park District in the foregoing cause; that he has read the foregoing Petition and that facts contained therein are true and correct to the best of his/her knowledge, information and belief.


Robert M. Sperl

SUBSCRIBED AND SWORN TO
before me this 7 day
of February, 2006



Notary Public



VERIFICATION
BY PETITIONER COMMUNITY UNIT SCHOOL DISTRICT 200
DUPAGE COUNTY, ILLINOIS

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS:

Dr. Gary Catalani, being first duly sworn on oath, deposes and states he is the Superintendent of Schools for the Petitioner Community Unit School District 200 in the foregoing cause; that he has read the foregoing Petition and that facts contained therein are true and correct to the best of his/her knowledge, information and belief.

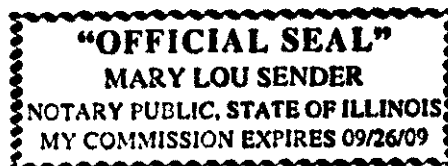


Dr. Gary Catalani

SUBSCRIBED AND SWORN TO
before me this 8 day
of February, 2006



Notary Public



CERTIFICATE OF SERVICE

The undersigned on oath states that a copy of the foregoing Petition was served by depositing true and correct copies of same in the U.S. Mail chute, with proper postage prepaid located at Chicago, Illinois, before 5:00 p.m. on the 14th day of February, 2006 to the following individuals:

James C. Slifer
Director of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Mack H. Shumate, Esq.
Union Pacific Railroad Company
101 North Wacker Drive
Chicago, Illinois 60606

Thomas Andryuk
Field Manager, Engineering
Union Pacific Railroad Company
500 West Madison Street, Suite 3610
Chicago, Illinois 60661

Michael Noland
METRA
547 W. Jackson Blvd.
Chicago, IL 60661

William Tupper
METRA
547 West Jackson
Chicago, IL 60611

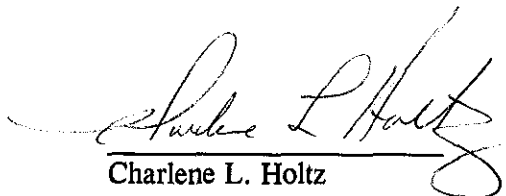
Victor A. Modeer
Director of Highways
Illinois Department of Transportation
ATTN: JEFF HARPRING, ROOM 205
2300 South Dirksen Parkway
Springfield, IL 63764

Ellen J. Schanzle-Haskins
Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764

CT Corporation System
Union Pacific Railroad Company
208 S. LaSalle Street
Chicago, IL 60604

Dave McKernan
Union Pacific Railroad Company
100 North Broadway #1500
St. Louis, MO 63102

Charles F. Tokarski
DuPage County Highway Engineer
421 North County Farm Road
Wheaton, IL 60187



Charlene L. Holtz
One of the Attorneys for Petitioners
Wheaton Park District and
Community Unit School District 200,
DuPage County, Illinois

EXHIBIT LIST

- | | |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <u>Exhibit A</u> | Portion of Commission Order Entered 11/22/05 Re Estimated Cost and Sources of Funding |
| <u>Exhibit B</u> | Portion of Illinois Department of Transportation Website Showing Bids |
| <u>Exhibit C</u> | Table Showing Current Funds Available, Current Estimated Costs and Funding Shortfall |
| <u>Exhibit D</u> | Excerpt from Intergovernmental Agreement Demonstrating Petitioners' Right to Terminate or Set Deadline for Additional Funds. |
| <u>Exhibit E</u> | Support Letter from Union Pacific Railroad |

EXHIBIT A**Portion of Commission Order Entered 11/22/05 Re Estimated Cost and Sources of Funding****Elements of Cost (July 2004)****Pedestrian/Bicycle Overpass at UPRR: Approx. 3600' east of County Farm Road**

Construction	\$2,540,000
Phase I Type, Size, Location	\$50,326 (Paid)
Supplemental Soil Borings	\$11,138 (Paid)
Phase II Design	\$183,126 (Paid)
Supplemental Soil Borings	\$13,421 (Paid)
Construction Supervision	\$90,000
Total Estimated Cost	\$2,888,311¹

Notes:

1. There are no separate costs associated with right-of-way or railroad force account work. A Railroad Right of Entry Agreement will be required of the Contractor, with a \$500 Administrative Fee, and up to \$5000 in safety work (other than flagging) if required during construction.

COST DIVISION TABLE**Pedestrian/Bicycle Overpass at UPRR: Approx. 3600' east of County Farm Road**

Funding Source	Committed	Percentage	Paid to Date For PH I & II
Federal Highway Administration Funds (TEA-21) (Not to Exceed Amount)	\$1,881,000	64%	\$206,411
Grade Crossing Protection Fund (Not to Exceed)	\$240,000	8.2%	\$0
Illinois Department of Natural Resources Bikeway Grant (Not to Exceed)	\$200,000	6.8%	\$0
Local Matching Funds (see table below)	\$602,400	21%	\$51,600
Total Funding from All Sources	\$2,923,400	100%	\$258,011

LOCAL MATCHING FUNDS TABLE**Committed and Paid to Date to Park District**

Agency	Committed	Percentage	Paid to PD
Wheaton Park District and Community Unit School District 200	\$191,806 ¹	6.6%	\$50,000
DuPage County (By Agreement)	\$115,000	4%	\$25,000
City of Wheaton (By Agreement)	\$50,000	1.7%	\$13,000
Union Pacific Railroad Company	\$41,400 ²	1.4%	\$0
Milton Township	\$12,000	<1%	\$12,000
DuPage County Fair Association	\$388	<1%	\$388
Totals	\$602,400	21%	\$150,388

		(Approx.)	
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Notes:

1. Includes at total of \$103,612 split 50/50 between the Wheaton Park District and Community Unit School District 200 to cover an initial funding shortfall in 2002. Dependent upon construction bids, and potential CMAQ funding, this amount may increase or decrease.
2. The UPRR will also provide flagging at no cost for the construction of the project.

EXHIBIT B

Portion of Illinois Department of Transportation Website Showing Bids

See Attached

Milan, IL 61264-2725

122,554.00

*

1304 Curnyn Construction Co.
#1 Hawkeye Lane
P.O. Box 106
Geneseo, IL 61254-0106

122,865.00

2270 Gunther Construction Co.
600 E. Main St. (61401)
P.O. Box 1488
Galesburg, IL 61402-1488

134,823.33

2576 Hillyer, Inc.
1420 East Carroll
P.O. Box 728
Macomb, IL 61455-0728

3391 Laverdiere Construction, Inc.
4055 W. Jackson St.
Macomb, IL 61455-7723

168,003.64

095 CONTRACT: 83560 DISTRICT: 01 COUNTY: DUPAGE

KEY RT: PEDESTRIAN BIKE PATH MARKED RT:

SECTION: 94-P4031-00-BR

EST: (NO)

PROJECT: TE-00D1/422/000

NBR FOR BID PROPOSALS ISSUED: 10 NBR FOR BID PROPOSALS RECEIVED: 7

Construction of a prefabricated pedestrian truss bridge over the Union Pacific Railroad with earth excavation, drainage, PCC sidewalk, furnished excavation and other incidental work to be completed at the intersection of Manchester Road and the Middle School Driveway to Nepil Avenue.

AS READ BID CORRECTED BID BIDR LOW DEV PCT

0103 Alliance Contractors, Inc.
1166 Lake Avenue
Woodstock, IL 60098

0820 Albin Carlson & Co.
3000 Lake Street
Melrose Park, IL 60160-2983

3,497,969.90

1320 D. Construction, Inc.
1488 So. Broadway
Coal City, IL 60416

3,855,304.60

2520 Herlihy Mid-Continent Company
1306 Marquette Drive
Romeoville, IL 60446-1026

3,919,611.31

As Read Tabulation of Bids - January 20, 2006 Letting

2779 Illinois Constructors Corporation
39W866 Fabyan Parkway
Batavia, IL 60510
P.O. Box 745
St. Charles, IL 60174-0745

3,342,282.52

*

3243 Kovilic Construction Company, Inc.
3721 N. Carnation St.
P.O. Box 939
Franklin Park, IL 60131-0939

3356 Landmark Contractors, Inc.
11916 W. Main Street
P.O. Box 1104
Huntley, IL 60142

3505 Lorig Construction Company
250 East Touhy Ave.
Des Plaines, IL 60018

4,228,257.45

3702 Martam Construction Incorporated
1200 Gasket Drive
Elgin, IL 60120

4,441,897.60

5570 Sjostrom & Sons, Inc.
1129 Harrison Avenue (61104)
P.O. Box 5766
Rockford, IL 61125-0766

3,968,801.19

096 CONTRACT: 91353 DISTRICT: 07 COUNTY: COLES

KEY RT: FAS 642

MARKED RT: CH 18

SECTION: 99-00124-02-PV

EST: (NO)

PROJECT: HPD-1037/003/000

NBR FOR BID PROPOSALS ISSUED:

4 NBR FOR BID PROPOSALS RECEIVED:

4

The projects consists of the construction of a diamond interchange with
FAI Route 57 and the construction of a two-lane roadway with open
ditch drainage from Township Road 700E to 900E including electrical
work, earth excavation, furnishing and erecting precast prestressed
concrete bulb t-beams 63", PCC pavement, bridge approach work all other
incidental work to complete the project in Coles County.

LOW DEV
AS READ BID CORRECTED BID BIDR PCT

1900 Freesen, Inc.
3151 Robbins Road (62704)
P.O. Box 13420
Springfield, IL 62791

11,370,670.51

2314 Halverson Construction Co., Inc. &
Beniach Construction Co., Inc.
620 N. 19th St. (62702)

As Read Tabulation of Bids January 20, 2006 Letting

EXHIBIT C**Table Showing Current Funds Available, Current Estimated Costs and Funding Shortfall**

Union Pacific Pedestrian Overpass		
Summary of Revenues and Expenses - January 2006		
Revenue Sources		
Grants/State and Federal Funding		
TEA-21	\$1,881,000	67%
Bikeways Grant	\$200,000	7.3%
ICC/GCPF (received 11/05)	\$240,000	8.6%
CMAQ (received 12/05)	\$430,649*	15.5%
UPRR	\$41,400	1.6%
Subtotal	\$2,793,049, 83.3% of Revenue Sources	
Local/Community Funding		
Wheaton Park District	\$191,806	34.2%
District 200	\$191,806	34.2%
DuPage County	\$115,000	20.5%
City of Wheaton	\$50,000	8.9%
Milton Township	\$12,000	2.1%
County Fair Assoc.	\$388	.1%
Subtotal	\$561,000, 16.7% of Revenue Sources	
Total	\$3,354,049	
Expenditures Paid to Date		
Phase 1 Pre-engineering, Cemcon	\$61,464**	
Phase 2 Construction Documents - Cemcon	\$196,547**	
Permitting		
Banking Fee with DuPage County	\$69,125***	
City of Wheaton	\$2,000****	
DEC - resub	\$460****	
Subtotal	\$329,596	
Expenditures Remaining		
Phase 3 Engineering-Cemcon	\$172,191*****	
Construction Estimate per Cemcon \$2,824,501		
Low Bid for Construction as read 1/20/06	\$3,342,282.52	
Subtotal	\$3,514,473.52	
Current Total Projected Expenditures	\$3,844,069.52	
Current Projected Shortfall	\$490,021	

*The CMAQ grant was received after the Date of the Order and was not included in the tables in the Order.

**These figures are the sum of what was called in the tables of the Order, "Phase I Type, Size, Location" and "Supplemental Soil Borings" (\$50,326 plus \$11,138) and "Phase II Design and Supplemental Soil Borings" (\$183,126 plus \$13,421).

***The Project will impact an existing quarter acre of wetland. In order to obtain all necessary permits a wetland banking was required to be paid to DuPage County; since mitigation of existing wetlands was not possible, this fee may be reimbursed if the Project is not constructed. This was not anticipated at the time the Order was entered.

****These are permitting fees; the bidding process with IDOT could not go forward unless a permit was obtained; this was not anticipated at the time the Order was entered.

*****This is Cemcon's actual cost for Phase 3 construction supervision; the \$90,000 which was in the order was an earlier figure that did not factor in IDOT's requirements for construction supervision.

Note: The Wheaton Park District believes that provision for a 10% contingency in the Project budget would also be prudent given past experience with changes in IDOT construction requirements and the possibility that other costs which could not reasonably be anticipated may arise in the future. The Wheaton Park District intends to make such provision by encumbering the necessary funds as a line item within its own operating budget until Project completion.

EXHIBIT D

Excerpt from Intergovernmental Agreement Demonstrating Petitioners' Right to Terminate or Set

Deadline for Additional Funds.

4.2 All of the following shall be conditions precedent to the commencement of construction of the Project and to the existence of the Original Parties' Shortfall Funding Contribution Option, as hereinafter defined:

4.2.1 A satisfactory agreement has been entered into among the Original Parties and the Railroad regarding an air rights license for a portion of the Overpass Structure, a temporary license from the Railroad to construct the Overpass Structure utilizing and over the Railroad right of way, a permanent license for placement and repair of fencing north of the Railroad right of way, and indemnifying the Railroad for costs incurred by the Railroad caused by activities on the Project, and containing such insurance and indemnification provisions as may be acceptable to the Original Parties (the "Railroad Agreement").

4.2.2 Any necessary local, state and county permits, agreements, court or administrative orders or easements required for the construction of the Project, as determined by the Park, shall have been obtained and entered into, including but not limited to the following:

- a) an order from the Illinois Commerce Commission (the "ICC") permitting the crossing of the Railroad right of way by the Overpass Structure ;
- b) any governmental permits required for construction; and
- c) the Temporary Construction Easement Agreement with the City of Wheaton.

4.3 If, after the completion of the bidding portion of Phase III of the Project, the total cost of the actual construction of the Project, not including construction supervision, exceeds \$2,540,300.00, then either of the Original Parties, may, on notice to the other Original Party and all Non-Party Contributors, elect to terminate this Agreement, as of a date not less than ten (10) days after the date specified in such notice, and any funds held by the Park, as described in Paragraph 5.3 of this Agreement, shall be distributed pursuant to Paragraph 9.4 of this Agreement.

4.4 If this Agreement is not terminated pursuant to Paragraph 4.3 of this Agreement, and all of the conditions precedent to commencement of construction described in Paragraph 4.2 of this Agreement have occurred, the "Original Parties' Shortfall Funding Contribution Option" shall arise. The "Original Parties' Shortfall Funding Contribution Option " means an option of each of the Original Parties, by a deadline mutually determined by the School and the

Park, to make, or cause the Original Non-Party Contributors or other Non-Party Contributors to make, contributions of funds which, when added to funds paid or to be paid from or through IDOT, ICC and the Illinois Department of Natural Resources, are adequate to pay for the cost of construction and construction supervision of the Project (the "Required Local Agency Total") , provided, however, that the maximum required total contribution of each Original Party, as opposed to additional contributions which may be made pursuant to the Original Parties' Shortfall Funding Contribution Option, including all hard and soft costs, shall not exceed \$191,806.75, as calculated on **Schedule 4** attached to and incorporated by reference into this Agreement. The estimated current cost of the Project and the estimated funding from all sources is described on **Schedule 5** attached to and incorporated by reference into this Agreement. As part of the Original Parties' Shortfall Funding Contribution Option, the Original Parties shall discuss with each other the equal contributions which may be made by the Park and the School and the reasonable efforts to be made by the Park and the School to seek funding from Non-Party Contributors. If the Required Local Agency Total is not contributed by the deadline, and neither Original Party agrees, in a writing delivered to the other Original Party, to contribute funds to achieve the Required Local Agency Total, either of the Original Parties may, on notice to the other Original Party and all Non-Party Contributors, elect to terminate this Agreement, as of a date not less than ten (10) days after the date specified in such notice, and any funds held by the Park pursuant to Paragraph 5.3 of this Agreement shall be distributed pursuant to Paragraph 9.4 of this Agreement.



February 2, 2006

Carol L. Gloor, Esq.
Attorney for Petitioners
Wheaton Park District and
Community Unit School District 200
DuPage County, Illinois
FRIEDMAN & HOLTZ
11 East Adams Street, Suite 1600
Chicago, IL 60603

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

**Re: Wheaton Park District v. Union Pacific Railroad
Company, et al., Docket No. T05-0037
Petition Requesting Extension of Time**

Dear Gentle Persons:

The Union Pacific Railroad Company as a Respondent in the above-referenced matter, has reviewed the Petitioner's Petition Requesting Extension of Time (the "Petition") and for the record hereby states that it is in support of the Petition and requests that the Illinois Commerce Commission grant the Petition.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Mack H. Shumate, Jr.

G:\Law\Commerce\Commstat\Commil\NEW\T05-0037



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065